

MADISON CAWTHORN, an individual,

Plaintiff,

v.

DAMON CIRCOSTA, in his official capacity
as Chair of the North Carolina State Board of
Elections, et al.,

Defendants.

State Board's Position & Interests

While the State Board has an interest in ensuring the proper functioning and administration

of elections, the State Board also has an interest in discharging its duties under North Carolina law to ensure candidates satisfy the legal qualifications for office.

In contrast, Defendant-Intervenors' stated interests are "to litigate their challenge and, if successful, obtain a ruling that [Plaintiff] is disqualified from the 2022 ballot." [D.E. 88, pp. 7-8 (emphasis removed)]. The State Board does not share Defendant-Intervenors' interests that are focused on a particular outcome of a challenge to disqualify a particular candidate in this election.

Finally, the March 17, 2022 Order from the United States Court of Appeals for the Fourth Circuit directed this Court to consider whether the state court order staying all qualification-related challenges remains in effect. [D.E. 92-9, pp. 4]. Consistent with its prior filing on the subject (D.E. 70), the State Board Defendants can confirm their understanding that the January 11, 2022 stay to candidate challenges issued by the North Carolina Superior Court (D.E. 9-3), was lifted when the final emergency stay before the U.S. Supreme Court was denied and that finally resolved which Congressional map would be used in the upcoming election. A petition for a writ of certiorari has been filed with the U.S. Supreme Court in the redistricting case, but that petition is not seeking to alter any congressional districts for the 2022 election. Pet. for Writ of Cert. at 4-5, *Moore v. Harper*, No. 21-1271 (U.S. S. Ct.)¹.

Conclusion

For the reasons above, the State Board Defendants do not oppose intervention and leave the method by which intervention is accomplished to the Court.

¹ https://www.supremecourt.gov/DocketPDF/21/21-1271/218823/20220317132356259_2022-03-17%20Moore%20Cert.%20Petition.pdf

Respectfully submitted this the 28th day of March, 2022.

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